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Clear is just the beginning



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DATE: 3 November 2004

FROM: Renee J. Rymarz
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USSN 10/073,808
OUR FILE: CM-103A-US

TO: UNITED STATES PATENT AND TRADEMARK OFFICE
ATTN: Examiner Hadi Shakeri
ART UNIT NO. 3723
Phone Number: 703-306-5771
Telefax Number: 703-872-9306

9 Total number of pages (including cover page)

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I, Judith A. White, hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via facsimile No. 703-872-9306 to the attention of Examiner Hadi Shakeri Art Unit 3723 on 3 November 2004.


Judith A. White

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Practitioner's Docket No. CM-103A-US

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Brian T. HOLLAND, et al.

Application No.: 10/073,808

Group No.: 3723

Filed: February 11, 2002

Examiner: Hadi Shakeri

For: SURFACE RESTORATION AND MAINTENANCE COMPOSITION AND METHOD OF

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**REQUEST FOR CONTINUED EXAMINATION (RCE)**
(37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application. Applicant respectfully requests entry of the amendment previously submitted via facsimile on August 5, 2004 in response to the Final Official Action.

TIME REQUEST IS BEING MADE

2. This request is being submitted with a petition for an extension of the time for a total period of three (3) months to November 12, 2004.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail.

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G facsimile transmitted to the Patent and Trademark Office, (703) 872-9306.

Date: 3 November 2004


Judith A. White

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)—page 1 of 4

ENCLOSURES

3. Enclosed herewith is:

Petition for Extension of Time, in duplicate.

FEE FOR REQUEST (37 C.F.R. § 1.17(e)).

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: 770.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	14	— 24	= 0	x \$ 18.00	= \$	0.00	
INDEP.	5	— 7	= 0	x \$ 86.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 290.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

NO ADDITIONAL FEE FOR CLAIMS IS REQUIRED.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant has submitted the required Petition for Extension of Time, including authorization to charge the extension fee of \$980.00 to Deposit Account No. 50-0231.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e))	\$770.00
Fee(s) for additional claims (Section 1.16(b)-(d))	\$0.00
Total Fee(s) Due:	\$770.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

Charge Account 50-0231 the sum of \$770.00.

Please charge any required additional fee(s) for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-0231.

INVENTORSHIP

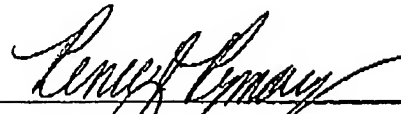
9. This application as amended names as inventors the same inventors as previously designated for the claims.

EXAMINER'S NOTE IN ADVISORY ACTION

10. In response to the Examiner's note related to applicants argument regarding the "effective amount" not being persuasive, as is referenced in the Office Action after Final, the Examiner's attention is directed to M.P.E.P. § 2173.05(c) where it clearly states that "The common phrase "an effective amount" may ... not be indefinite. The proper test is whether or not one skilled in the art could determine specific values for the amount based on the disclosure. See *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). ...cases have tended to accept a limitation such as "an effect amount" as being definite when read in light of the supporting disclosure and in the absence of any prior art which would give rise to uncertainty about the scope of the claim. In *Ex parte Skuballa*, 12 USPQ2d 1570 (Bd. Pat. App. & Inter. 1989). ..." Clearly, when read in light of the supporting disclosure, which is found in paragraph 25 of the present application, one of ordinary skill in the art would readily understand the scope of such terms. Additionally, the examples would support such definite scope.

Request for Continued Examination (RCE) (37 C.F.R. § 1.114)-page 3 of 4

Respectfully submitted,



Date: 3 November 2004

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